

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COLLEEN MARY ROHAN, ex rel.
OSCAR GATES, et al.,

Petitioner,

v.

GENA JONES, Warden of the California
Health Care Facility, et al.,

Respondent.

No. 88-CV-02779-WHA

DEATH PENALTY CASE

ORDER OF DISMISSAL

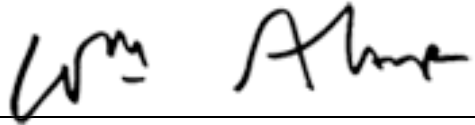
Petitioner Oscar Gates, by and through his next friend Colleen Mary Rohan, has provided notice that Petitioner's death sentence has been vacated and that Petitioner has been resentenced to a non-capital term of 25-years-to-life plus a determinate term of 10 years. (Docket No. 1054.). Respondent sought this resentencing pursuant to an agreement with Petitioner. *Id.* As part of the agreement, Petitioner agreed to withdraw all pending habeas claims and petitions. *Id.* In accord with Federal Rule of Civil Procedure 41(a)(2), the Court construes Docket Entry 1054 as notice that Petitioner is voluntarily dismissing his Petition for a Writ of Habeas Corpus (Docket No. 80). Consequently, the Court deems this case closed.

It is **ORDERED** that

1. The petition for writ of habeas corpus (Docket No. 80) is DISMISSED,
2. Any and all pending motions are DENIED as MOOT,
3. Any and all scheduled dates are VACATED, and
4. The Clerk is DIRECTED to close this case because this order terminates the proceeding in its entirety.

IT IS SO ORDERED.

Dated: November 19, 2024



WILLIAM ALSUP
SENIOR UNITED STATES DISTRICT JUDGE